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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,792	06/10/2002	Axel Buerck	449122024600	4996
25227 7590 01/23/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2614	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/069,792	Applicant(s) BUERCK ET AL.	
	Examiner Quynh H. Nguyen	Art Unit 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 10/26/06 has been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 1-14 and 16-20 are still pending in this application, with claims 1, 10, 19 and 20 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-5, 8-13, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application (EP 0920234 A2) hereinafter D1 in view of Chen et al. (U.S. Patent 6,487,170).

Regarding claim 1, D1 teaches a method for setting up and/or clearing a communications link (see abstract), comprising: setting up and/or clearing a communications link for transporting communication data (setting up reads on the call control message between the switching nodes, see col. 2, lines 38-45) which is carried out by at least one first functional unit (first functional unit reads on originating switch 12 and/or terminating switch 14 in Fig. 1) in a communications network (reads on all components of Fig. 2); the at least one first functional unit (12 and/or 14) carrying out

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basic call functionality (the basic call functionality is inherent and it also reads on SSC 34 within switch 12 and/or 14 accessing IAMS messages that contain information such as the called party number, calling party number, etc., see col. 5, lines 24-53 and Fig. 1) which is independent of a transport network (the transport network reads on trunks 28 and links 30, see col. 5, lines 2-19 and pig. 1), and controlling a connection function which is carried out by a second functional unit (reads on ATM switch 20 within Broadband 18, see Fig. 1) in the communications network (reads on all components of Fig. 2), the second functional unit (20) providing supplementary features (reads on the control message such as the Calling Party Number Information Element of the ATM, see col. 9, lines 1.-17) and controlling connections between the at least one first functional units via signaling, wherein the first and the second functional units are physically separated from one another (see Fig. 1).

D1 does not teach connection related service features are provided via the transport network.

Chen et al. teaches connection related service features are provided via the transport network (col. 5, line 26 through col. 6, line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chen into the teachings of D1 for the purpose of forwarding various related features within the network and from one network to another network via the transport network.

Claims 9-13, and 18-20 are rejected for the same reasons as discussed above with respect to claim 1. Also regarding the control network that is recited in claim 20,

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this simply reads on CCS; signaling network (16), see Fig. 1.

Regarding claim 2, D1 teaches the signaling to control the setting up and/or clearing of a communications link, wherein the connection is set up and/or cleared via a transport network, and signaling is carried out via a control network (see col. 5, lines 1-23 and Fig. 1).

Regarding claim 3, D1 teaches that the signaling is controlled by a central device (this reads on the subnetwork signaling device 34, see col. 5, lines 24-28).

Regarding claim 4, D1 teaches setting up the communications link in the transport network via at least one decentralized device (this reads on ATM connection manager 36 sending a request to set up an ATM virtual channel connection, see col. 5, lines 53-58 and Fig. 1).

The limitations of claims 5 and 16, which recite "the central device controls a decentralized switching device" are inherent in D1.

Regarding claim 8, D1 teaches an asynchronous transmission method is used for transmission via the communications link (see col. 5, line 7).

4. Claims 6-7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over D1 in view of PCT (WO 93 15583) hereinafter D2.

Regarding claims 14 and 17, D1 does not specifically teach the use of PBX, instead D1 system and method are implemented in AIN network.

However, D2 teaches an interworking unit that is responsible to provide changes between PBXs that are connected together (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a PBX, as taught by D2, into the D1 system in order to provide the versatility of using different environments.

Claim 6 recites the limitations of "setting up and/or clearing a communications link to a communications terminal, and setting up the connection via the transport network by producing at least one time slot control information item in the central device, which information item is used for setting up connections in the transport network". Since D1 teaches the subnetwork signaling controller 34 uses look up tables, which stores information and data. Then the use of specifying any time slot would have been obvious.

Claim 7 is rejected for the same reasons as discussed above with respect to claims 6 and 1.

### ***Response to Arguments***

5. Applicant's arguments filed 10/26/06 have been fully considered but they are not persuasive.

Applicant argues that neither Constantino nor Chen teach "controlling a connection function which is carried out by a second functional unit in the communications network, the second functional unit providing supplementary features and controlling connections between the at least one first function units via signaling" (Remarks, bottom of page 1). Examiner respectfully submits that Constantino teaches controlling a connection function that is carried out by a second functional unit (reads on

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ATM switch 20 within Broadband 18, see Fig. 1) in the communications network (reads on all components of Fig. 2), the second functional unit (20) providing supplementary features (reads on the control message such as the Calling Party Number Information Element of the ATM, see col. 9, lines 1-17) and controlling connections between the at least one first functional units via signaling. Furthermore, claims 10, 19, and 20 do not recite the above features.

Applicant argues that Constantiof does not teach "the broadband network provides any supplementary features to enhance a narrowband network's functionality", (Remarks, page 2). Examiner respectfully submits that this is not in the claims.

Applicant argues that the first and second functional units are not independent of each other as they are in Constantiof, (Remarks, page 2). Examiner respectfully submits that this is not recite in the claims. Claim 1 specifically recites "...the at least one first functional unit carrying out basic call functionality which is independent of transport network"; and Constantiof teaches a system in which each network is virtually independent of the other (see abstract).

Applicant argues that there is no evidence or reason that one of ordinary skill in the art would have combined Constantiof and Chen. Examiner respectfully submits that the secondary reference Chen of the 103 rejection just to fill in the missing feature of "connection related service features are provided via the transport network" from the primary reference. The combination of the two references teach the claimed limitation.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

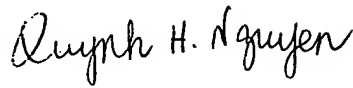
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**Quynh H. Nguyen**  
**Primary Examiner**  
**Art Unit 2614**